

**RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2615**

Attorney Docket: 082123-0275722
Client Reference: P00H9024/US/yh

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: KIM

Confirmation Number: 7153

Application No.: 09/751,451

Group Art Unit: 2615

Filed: January 2, 2001

Examiner: Selby, Gevell V.

Title: AUTO EXPOSING APPARATUS FOR USE IN IMAGE SENSOR

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated March 24, 2004 reconsideration and allowance of the above-identified application based on the following remarks are respectfully requested.

The October 3, 2003, Office Action indicates that Applicant's claim for priority has been denied because the above-identified application was filed more than twelve months after the Korean priority document, filed December 30, 1999. However, December 30, 2000, one year from the Korean filing date, fell on a Saturday. December 31, 2000 was a Sunday and January 1, 2001 was a federal holiday in the United States Patent and Trademark Office was closed. Accordingly, the January 2, 2001 filing date for the above-identified application is proper for claiming benefit to the Korean application filed December 30, 1999.

Acknowledgement of Applicant's claim for priority under 35 U.S.C. §19(a-d) based on the December 30, 1999 Korean application is respectfully requested.

Claims 1-4 and 11 were rejected under 35 U.S.C. §102(b) over Ota (U.S. Patent 5,194,960). The rejection is respectfully traversed.

Claim 1 recites an auto exposing apparatus for an image sensor including, *inter alia*, first counting means receiving image data from an image sensor for counting a number of

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first pixels for an image frame, each of the first pixels having a luminance value associated therewith that is higher than a first predetermined level, and a second counting means receiving image data from a image sensor for counting a number of second pixels for the image frame, each of the second pixels having a luminance value associated therewith that is lower than a second predetermined level.

The Office Action alleges that Ota discloses first counting means 19a and second counting means 19b. The Office Action further alleges that the counter 19a of Ota counts a number of first pixels for an image frame, each of the first pixels having a luminance value associated therewith that is higher than a first predetermined level. The Office Action alleges that this feature is allegedly disclosed in column 6, lines 25-30 of Ota. The Office Action also alleges that this same column and line numbers also discloses that the counter 19b counts a number of second pixels, each of the second pixels having a luminance value that is lower than a second predetermined level.

It is respectfully submitted that Ota does not disclose a first and second counting means as recited in claim 1. As recited in claim 1 the first counting means counts a number of first pixels and each of those first pixels has a luminance value associated therewith that is a higher than first predetermined level. The second counting means counts a number of second pixels and each of the second pixels has a luminance value of associated therewith that is lower than a second predetermined level.

As disclosed in column 12, lines 29-34 of Ota, the counters 19a and 19b count the number pixels in each luminance region. In other words, the counters 19a and 19b count the total number of pixels in each luminance region, they do not count a first number of pixels each having a luminance value associated therewith that is higher than a first predetermined level, nor do they count a number of second pixels each having a luminance value associated therewith that is lower than a second predetermined value.

Ota discloses column 6, lines 25-30 that the number of pixels of the image pick-up screen is counted at each elemental luminance region obtained by dividing the luminance level into narrow regions and a distribution of number of pixels is grasped at each elemental luminance. Ota goes on to further disclose that the weighting of the pixels is changed according to the position of the elemental luminance region in an evaluation region so that the evaluation value is computed by adding the value which is obtained by multiplying the number of each elemental luminance regions by the weight and value. Again, Ota does not disclose or suggest counting a number of first pixels each having a luminance value

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associated therewith that is higher than a first predetermined level and counting a number of second pixels each having a luminance value associated therewith that is lower than a second predetermined value.

As Ota does not disclose or suggest all the limitations of claim 1, Ota cannot anticipate or render obvious claim 1.

Claims 2-4 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Claim 11 recites a method for an auto exposing apparatus in an image sensor including, *inter alia*, counting a number of first pixels for an image frame, each of the first pixels having a luminance value associated therewith that is higher than a first predetermined level and counting a number of second pixels for the image frame, each of the second pixels having a luminance value associated therewith that is lower than a second predetermined level.

As discussed above, Ota does not disclose or suggest counting a number of first pixels each having a luminance value higher than a first predetermined level and counting a number of second pixels each having a luminance value lower than a second predetermined level. Accordingly, Ota cannot anticipate or render obvious claim 11.

Reconsideration and withdrawal of the rejection of claims 1-4 and 11 and respectfully requested.

Claims 5-10 were rejected under 35 U.S.C. §103(a) over Ota in view of Roth et al. (U.S. Patent 5,818,528). The rejection is respectfully traversed.

Claim 5 recites an auto exposing apparatus for an image sensor including, *inter alia*, a first counter for counting a number of first pixels each having a luminance value higher than a first predetermined level and a second counter for counting a number of second pixels each having a luminance value lower than a second predetermined level.

As discussed above, Ota does not disclose or suggest this feature of claim 5. In addition, it is respectfully submitted that Roth et al. fail to cure deficiencies of Ota with respect to claim 5, in particular Roth et al. also fail to disclose or suggest a first counter and a second counter as recited in claim 5. Accordingly, the combination of Ota and Roth et al. fails to include all the limitations of claim 5 and the combination fails to present a *prima facie* case of obviousness against claim 5.

Claim 6-10 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 5 and for the additional features recited therein.

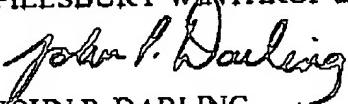
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Reconsideration and withdrawal of the rejection claims 5-10 over Ota in view of Roth et al. are respectfully requested.

In view of the above remarks, Applicant respectfully submits that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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